

AMENDED IN ASSEMBLY AUGUST 4, 2004

AMENDED IN ASSEMBLY JUNE 1, 2004

AMENDED IN SENATE APRIL 14, 2004

**SENATE BILL**

**No. 1677**

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**Introduced by Senator Knight**

February 20, 2004

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An act to amend Section 13 3/4 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1677, as amended, Knight. Los Angeles County Flood Control District: storm drains.

Existing law, the Los Angeles County Flood Control Act, establishes the Los Angeles County Flood Control District and authorizes the district to control and conserve the flood, storm, and other wastewater of the district. The act authorizes the board of the district to accept a transfer of a storm drain improvement or drainage system lying within or outside the district if certain requirements are met. The act authorizes a city or county with a storm drain improvement or drainage system within the district to transfer the improvement or system to the district upon a  $\frac{4}{5}$  vote of the legislative body of that city or county.

This bill would authorize the district to accept these described transfers. The bill would delete the provision relating to the authority of a city or county to transfer the improvement or system to the district upon a  $\frac{4}{5}$  vote of the city's or county's legislative body. The bill would authorize the Los Angeles County Board of Supervisors, which serves as the board of the district, and the governing body of a public agency,

as defined, to assign designees to carry out functions relating to the transfer and conveyance of the improvement or system to the district. ~~The bill would exempt the district from any liability in connection with the improvement or system that is to be transferred and conveyed to the district unless the district has accepted the tender and conveyance of the improvement or system, as specified. The bill would exempt a public agency from liability for any injury that is caused by a condition of any improvement or system that the public agency has agreed to acquire for transfer and conveyance to the district, and that occurs after one or more specified events take place.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13<sup>3</sup>/<sub>4</sub> of the Los Angeles County Flood  
2 Control Act (Chapter 755 of the Statutes of 1915) is amended to  
3 read:

4 Sec. 13<sup>3</sup>/<sub>4</sub>. (a) The Los Angeles County Flood Control  
5 District may accept a transfer and conveyance of a storm drain  
6 improvement or drainage system lying within or outside the  
7 territorial limits of the district, if the improvement or system  
8 benefits property within the territorial limits of the district, and the  
9 governing body of the public agency that has constructed or  
10 acquired the improvement or system requests the district to accept  
11 the transfer and conveyance of the improvement or system.

12 (b) Upon acceptance, the district shall assume sole control and  
13 jurisdiction over the improvement or system and shall thereafter  
14 provide for the operation, maintenance, repair, and improvement  
15 thereof, except that the district shall not assume or be liable for any  
16 bonded indebtedness in connection with the improvement or  
17 system.

18 (c) As used in this section, “public agency” means the state,  
19 any state agency, any city, county, or city and county, whether  
20 chartered or not, any district, any public authority, any public  
21 agency, any municipal corporation, or any other political  
22 subdivision or public corporation of the state.

23 (d) Upon acceptance of any improvement or system under this  
24 section, the board of supervisors of the district may levy a special  
25 tax each year upon the taxable real property in the district

1 sufficient to pay the cost and expenses of operating, maintaining,  
2 repairing, and improving the improvement or system so  
3 transferred and accepted, except for the payment of interest and  
4 principal on any outstanding bonds for which the district shall not  
5 be liable.

6 (e) The special tax may also be levied, collected, and expended  
7 to pay the costs of operating, maintaining, repairing, and  
8 improving all storm drain improvements or drainage systems, or  
9 both, constructed by the district with bond funds authorized at any  
10 bond election held under the authority of this act. The tax shall be  
11 levied and collected at the same time and in the same manner as  
12 the general tax for county purposes, and the revenue derived from  
13 the tax shall be paid into the county treasury to the credit of the  
14 district and the board of supervisors may expend these funds to pay  
15 for costs described in this subdivision. Taxes levied under  
16 authority of this section shall be separate and distinct from, and  
17 shall be in addition to, the taxes authorized to be levied under  
18 Section 14 of this act.

19 (f) The board of supervisors of the district, by ordinance or  
20 resolution, may assign a designee to act on behalf of the district  
21 regarding the acceptance of a storm drain improvement and  
22 drainage system by the district. The designee shall report all  
23 acceptances to the board within 30 days of the end of the district's  
24 fiscal year, or at more frequent intervals if required by ordinance,  
25 resolution, or other legislative act adopted by the board of  
26 supervisors.

27 (g) The governing body of a public agency may assign a  
28 designee to act on its behalf regarding the transfer and conveyance  
29 of any storm drain improvement or drainage system to the district.  
30 The governing body may determine the procedure by which the  
31 assignment of the designee shall be made. The designee shall  
32 report any transfer and conveyance of any storm drain  
33 improvement or drainage system to the governing body of the  
34 public agency at intervals as required by the governing body of the  
35 public agency.

36 ~~(h) The district shall not be liable in connection with any storm~~  
37 ~~drain improvement or drainage system that is to be transferred and~~  
38 ~~conveyed to the district, unless the district has accepted the tender~~  
39 ~~and conveyance of the storm drain improvement or drainage~~  
40 ~~system to the district by ordinance or resolution adopted by the~~

1 ~~board of supervisors of the district or by written acceptance by the~~  
2 ~~district's designee.~~

3 ~~(i) A public agency shall not be liable for any injury that is~~  
4 ~~caused by a condition of any storm drain improvement or drainage~~  
5 ~~system that the public agency has agreed to acquire for transfer and~~  
6 ~~conveyance to the district, and that occurs after either of the~~  
7 ~~following takes place:~~

8 ~~(1) The acquisition of the storm drain improvement or drainage~~  
9 ~~system by the public agency.~~

10 ~~(2) The acceptance of the storm drain improvement or drainage~~  
11 ~~system by the board of supervisors of the district or the written~~  
12 ~~acceptance by the designee of the district.~~

